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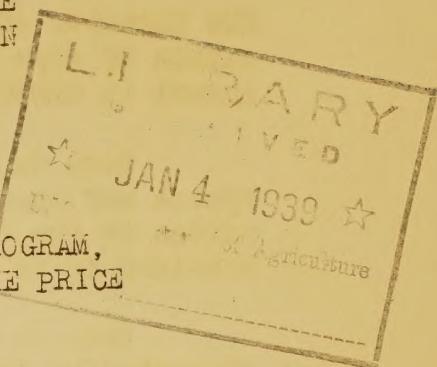
SRM-310

Issued December 17, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

(Southern Region Miscellaneous Series)

APPEAL PROCEDURE
UNDER THE AGRICULTURAL CONSERVATION PROGRAM,
THE RANGE CONSERVATION PROGRAM, AND THE PRICE
ADJUSTMENT PROGRAMS FOR 1939.



GENERAL PROVISIONS

Sec. 1. Who May Appeal. - An appeal may be taken by any person who has an interest as landlord, ranch operator, tenant, or sharecropper in a farm or ranch with respect to which one or more of the recommendations or determinations set forth in section 2 hereof are made.

Sec. 2. Matters Which May beAppealed. - An appeal may be taken from the recommendation or determination of the county committee with respect to any of the following:

- (a) Eligibility to file an application for payment.
- (b) Any soil-depleting acreage allotment, usual acreage, soil-building goal, restoration land goal, or grazing capacity.
- (c) The division of payment.
- (d) Any other matter affecting the right to, or the amount of, any payment with respect to the farm or ranch.

Sec. 3. To Whom Appeal Should be Made. - An appeal must be made in the first instance to the county committee. If the appellant is dissatisfied with the decision of the county committee, he may appeal to the State committee. If the appellant is dissatisfied with the decision of the State committee, he may request the Director of the Southern Division to review the decision of the State committee.

Sec. 4. Time and Manner of Filing Appeal. - Appeals to the State and county committees and requests for review to the Director of the Southern Division must be in writing and must be signed by the person making the appeal or his authorized agent. Each appeal must contain or be accompanied by a written statement, in duplicate, containing such information as the appellant believes to be pertinent to the case. An appeal to the county committee must be filed with such committee within 15 days after notice of the recommendation or determination appealed from is mailed to, or made available to, the appellant. An appeal to the State committee must be filed with such committee within 15 days after the decision of the county committee from which the appeal is taken is mailed to or made available to the appellant. A request for review by

the Director of the Southern Division must be filed with such Director within 15 days after the decision of the State committee from which the appeal is taken is mailed to, or made available to, the appellant.

Sec. 5. Right of Appellant to Appear. - Any person filing an appeal may appear in person or by representative before the county committee or the State committee at the time his appeal is considered, provided he so requests in writing at the time of filing his appeal.

Sec. 6. New Evidence. - Any new evidence of a material nature presented by the appellant in any case after the decision of the county committee and prior to a decision by the Director of the Southern Division will necessitate the return of the appeal for reconsideration and decision (within corresponding time limits) by the committee(s) which had previously rendered a decision thereon.

Sec. 7. Basis for Making Decisions. - All appeals to the county or State committee and all requests for review to the Director of the Southern Division shall be decided in accordance with the applicable regulations and instructions.

COUNTY COMMITTEE PROCEDURE

Sec. 8. Date and Place of Hearing. - The county committee shall fix a date and place for the consideration of each appeal filed with such committee, and where the appellant has requested the right to appear shall give appellant at least three days' written notice of such date and place.

Sec. 9. Hearing, Investigations, and Record. - In connection with each appeal, the county committee shall hold the hearing at the time and place fixed and shall make such investigations as are necessary for a proper reconsideration of its original determination. Such committee shall prepare as complete a record of the proceeding as possible.

Sec. 10. Copies of Decision. - Within 15 days after receipt of an appeal, the county committee shall mail to appellant and to the State committee a copy of its decision upon said appeal. Where an appeal is made to the State committee from such decision, the county committee, upon the request of the State committee, shall forward to that committee the record in the case and shall render such assistance in connection with the further proceedings in the case as the State committee may request.

STATE COMMITTEE PROCEDURE

Sec. 11. Designation and Duties of Appeals Clerk. - The State committee shall designate a competent person in the State office as appeals clerk to assist in the handling of appeal cases. The duties of such person shall be:

- (a) To receive appeal cases and keep a complete record of the same.
- (b) To fix a date and place for the consideration of each appeal, and where the appellant has requested the right to appear, to give such appellant and the applicable county committee at least 5 days' written notice of such date and place.
- (c) To request the applicable county committee to furnish the record in each case and such other assistance in connection with the proceedings in the case as may be necessary.
- (d) To prepare a report on each case and present the case in detail to the State committee at the time and place fixed for the hearing of the case.
- (e) To mail a copy of the decision of the State committee to the appellant and to the applicable county committee within 30 days after the receipt of the appeal by the State committee.
- (f) Where a request for review is made to the Director of the Southern Division from the decision of the State committee, to forward to such Director upon his request the complete original appeal record (including a transcript of the testimony, if any); and upon receipt of a decision, in triplicate, from the Director of the Southern Division, to mail one copy to the appellant and one copy to the applicable county committee and to file one copy in the State office.

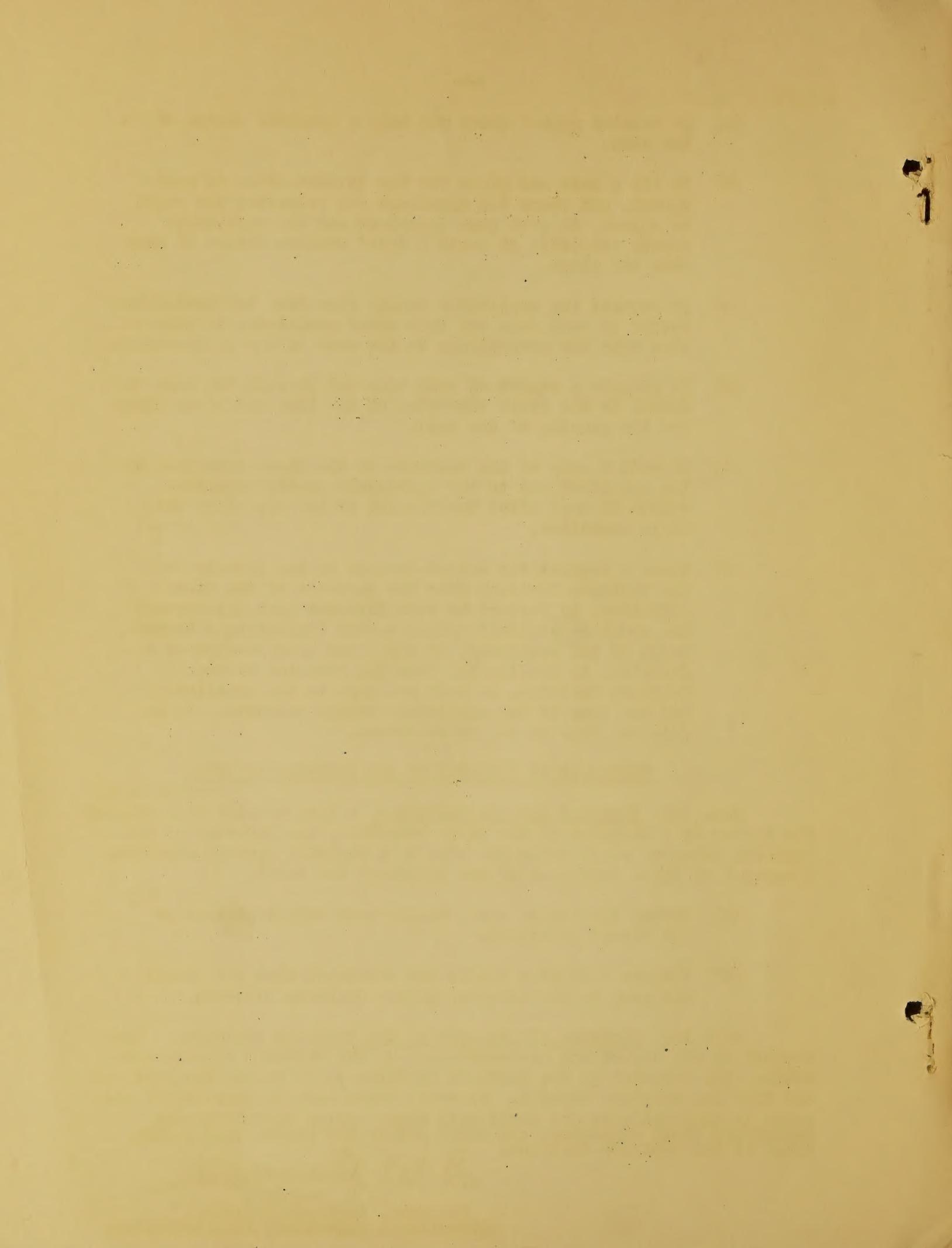
PROCEDURE BY DIRECTOR OF THE SOUTHERN DIVISION

Sec. 12. Regional Appeals Committee. - Upon receipt of a request for review of a decision of the State committee, the Director of the Southern Division shall refer the case to a regional appeals committee (composed of three employees of the division) who shall:

- (a) Review the entire case, making such investigations as are deemed necessary.
- (b) Prepare a written report and recommendation and submit the same to the Director of the Southern Division.

Sec. 13. Decision of Director of the Southern Division. - Upon receipt of the report and recommendation of the regional appeals committee, the Director of the Southern Division shall review the case and make his decision thereon. He shall cause such decision to be prepared in quadruplicate and shall mail three copies thereof to the applicable State committee, and shall retain the fourth copy in the files of the Southern Division.

I. W. Duggan
I. W. Duggan,
Director, Southern Division,
Agricultural Adjustment Administration.



cop. 2 UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

(Southern Region Miscellaneous Series)

APPEAL PROCEDURE UNDER THE AGRICULTURAL CONSERVATION PROGRAM, THE RANGE CONSERVATION PROGRAM, AND THE PRICE ADJUSTMENT PROGRAMS FOR 1939

GENERAL PROVISIONS

SECTION 1. Who may appeal.—An appeal may be taken by any person who has an interest as landlord, ranch operator, tenant, or sharecropper in a farm or ranch with respect to which one or more of the recommendations or determinations set forth in section 2 hereof are made.

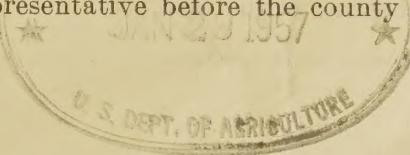
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- (a) Eligibility to file an application for payment.
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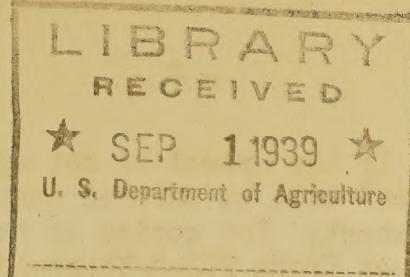
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SEC. 4. Time and manner of filing appeal.—Appeals to the State and county committees and requests for review to the Director of the Southern Division must be in writing and must be signed by the person making the appeal or his authorized agent. Each appeal must contain or be accompanied by a written statement, in duplicate, containing such information as the appellant believes to be pertinent to the case. An appeal to the county committee must be filed with such committee within 15 days after notice of the recommendation or determination appealed from is mailed to, or made available to, the appellant. An appeal to the State committee must be filed with such committee within 15 days after the decision of the county committee from which the appeal is taken is mailed to, or made available to, the appellant. A request for review by the Director of the Southern Division must be filed with such Director within 15 days after the decision of the State committee from which the appeal is taken is mailed to, or made available to, the appellant.

SEC. 5. Right of appellant to appear.—Any person filing an appeal may appear in person or by representative before the county com-



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Supplement A



UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

(Southern Region Miscellaneous Series)

APPEAL PROCEDURE UNDER THE 1940 WHEAT CROP INSURANCE PROGRAM

I

GENERAL PROVISIONS

- A. The time limit for handling appeals which are filed under the 1940 Wheat Crop Insurance Program in connection with wheat yields and premium rates will be the same as the time limits set forth in SRM-310, "Appeal Procedure under the Agricultural Conservation Program, the Range Conservation Program, and the Price Adjustment Programs of 1939."
- B. In cases where an appeal is taken to the State committee, the State committee may confer with representatives of the crop insurance branch office before notifying the county committee of its decision in connection with the appeal. In cases where a request for a review is taken to the Director of the Southern Division, he will confer with representatives of the Crop Insurance Corporation before notifying the State committee of his decision.

II

INSTRUCTIONS IN CONNECTION WITH APPEALS ON WHEAT YIELDS AND PREMIUM RATES

A. General.

1. Any change in the yield for a farm will apply to the 1940 Crop Insurance Program and to the 1940 Agricultural Conservation Program, the farm marketing quota, and the loan and price adjustment payment provisions of the Agricultural Adjustment Act of 1938, as amended, if the land covered by the application for crop insurance is the only land covered by the work sheet executed in connection with the 1940 Agricultural Conservation Program.
2. The original data for all farms for which appeals on wheat yields or premiums have been filed with the county committee will be listed on alternate lines of a corresponding FCI listing sheet. For example, farms appearing originally on a key farm listing sheet will be listed on the key farm "Appeals Listing Sheet". If the appeal is approved the corrected data will be listed immediately above the original data on the

listing sheet. If the appeal is not approved the words "Appeal Not Approved" will be entered above the original data on the listing sheet. Two copies of the original crop insurance work sheet (Form FCI-2-Wheat-1940) and two copies of the corrected crop insurance work sheet for those farms where the appeal is approved shall be made and submitted with the "Appeals Listing Sheet" for each key or historical farm. One copy of each such crop insurance work sheet shall be filed in the State Crop Insurance Office and the other copies forwarded to the branch office.

3. The county committee shall forward the "Appeals Listing Sheet" together with two copies of their recommendations in each case to the State Crop Insurance Office. One copy will be filed in the State Crop Insurance Office and the other forwarded to the branch office. Notification of action taken on all appeals shall be made in accordance with the procedure outlined in SRM-310 and producers shall be notified of the final determinations on Form SR-411-WA-Supplement 1. If an appeal is approved by the State committee the county committee shall, upon notice of such approval, record such change on the applicable listing sheet and other related papers.
4. If an appeal has been filed and the crop insurance application is submitted before a decision on the appeal is rendered, the application should be prepared and the premium paid on the basis of the original yield and the premium rate shown on the approved crop insurance listing sheet. If, after the submission of the application, an appeal is approved, a new application shall be submitted, marked "Revised", and based on the new approved figures. Any additional premium required by such revised figures must accompany the corrected application. The cash equivalent of the additional premium shall be determined on the basis of the price of wheat applicable for the day the premium was paid on the original application. If such new application is not prepared, or any additional premium required by such revised figures is not paid within a reasonable period, (ordinarily 30 days after notice has been given the applicant of such figures would be considered a reasonable period) the original application shall be the basis for the insurance contract.
5. Where an appeal is approved and a new application is prepared, the premium based on such application should be computed in the usual manner. A memorandum should be prepared in triplicate showing the amount of premium collected on the original application, the amount of premium on the new application, and the amount of the difference. Any additional premium should be collected and handled in the routine way. If the new application involves a reduction in the amount of the premium, the memorandum should call to the attention of the branch office the necessity of making refund or deposit in accordance with the instructions of the applicant as shown over his signature on the memorandum.

6. The regular closing date for the acceptance of an application for crop insurance shall be applicable for farms upon which an appeal has been filed. However, such closing date will not apply to revised applications.
7. If, as a result of an appeal, either or both the wheat yield and premium rate are changed for a farm listed on the key farm listing sheet, the yields or premium rates determined for a farm listed on the appraised farm listing sheet which were derived by comparison with such key farm will not be changed unless an appeal was filed for such appraised farm. If an appeal on a wheat yield for a farm is made, the premium rate for such farm is also subject to change, and vice versa. If, in revising the wheat yield for a farm on which the yield and premium rate was appraised, a new key farm is used, the premium rate, as well as the yield, shall be based on such new key farm, and vice versa.

E. Appeals on Wheat Yields.

1. Any determination with respect to appeals on wheat yields shall be made on the basis of individual merit. However, if the county average yield, as a result of appeals, differs from the county check yield by one-tenth of a bushel or more, it will be necessary to revise the yields of individual farms by applying a factor, unless the State committee and the branch office of the corporation determine that such difference is reasonable and justifiable and, as a result, the State check yield is not exceeded. If the difference is less than one-tenth of a bushel, it will not be necessary to apply the factor. In considering appeals with respect to wheat yields, the county committee shall retrace the steps set forth in the county yield and rate procedure, FCI-1-Wheat-1940 and related instructions, with respect to the establishment of such yields in connection with each case.
2. The county committee will approve wheat yield appeals only in those cases where the examination of the data shows error in:
 - (a) The data used:
 - (1) Accurate and applicable wheat yield records are presented by the farmer which substantiate his appeal.
 - (2) Computation or transposition.
 - (b) The selection of the key farm with which comparison was made.
 - (c) The application of the procedure as outlined in FCI-1-Wheat-1940 in regard to appraisals.

3. The indicated yield and premium rate determined as the result of an appeal, in the case of (a)(1) above, shall be scaled to meet county check yields and premium rates by using the same factor as was used in revising the yields and premium rates on the approved listing sheets. Other revisions as the result of appeals need not be factored; since such revisions will be based on the approved yields and premium rates on key farms.

C. Appeal on Premium Rates.

1. Any determination with respect to appeals on premium rates shall be made on the basis of individual merit. However, if the county average of the premium rate differs from the check premium rate by 0.06 of a bushel or more, it will be necessary to revise the premium rates for individual farms by applying a factor, unless the State committee and the branch office of the corporation determine that such difference is reasonable and justifiable. If the difference is less than 0.06 of a bushel, it will not be necessary to apply a factor. In considering appeals with respect to premium rates, the county committee shall retrace the steps set forth in the county yield and rate procedure, FCI-1-Wheat-1940 and related instructions with respect to the establishment of such premium rates in connection with each case.
2. The county committee will approve premium rates by reapplying the applicable procedure as outlined in the county yield and rate procedure, FCI-1-Wheat-1940.

I. W. Duggan

I. W. Duggan,
Director, Southern Division.